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OFFICE OF PETITIONS

In re Application of :
Eric J. Gould et al. :
Application No. 10/603,581 : **DECISION ON PETITION**
Filed: June 24, 2003 :
Attorney Docket No. **MNKYP004B** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 15, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 16, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response with a terminal disclaimer; (2) the petition fee of \$1,540.00; and (3) a proper statement of unintentional delay.

The power of attorney filed April 18, 2005 and resubmitted with the petition on October 25, 2007, is accepted and made of record.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file is being referred to Technology Center AU 2157 for appropriate action on the concurrently filed response.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

A handwritten signature in black ink, appearing to read "Michelle R. Eason". The signature is fluid and cursive, with the first name being the most prominent.

Michelle R. Eason
Paralegal Specialist
Office of Petitions